

MINUTES

Legislative Commission on the Fair Treatment of College Student-Athletes

November 8, 2018

The Legislative Commission on the Fair Treatment of College Student-Athletes met Thursday, November 8, 2018 at 1 p.m. in Room 643 in the Legislative Office Building. Lieutenant Governor Dan Forest, Chair of the Commission, presided during the meeting. Commission Members present were Representatives John Bell, John Fraley, Jon Hardister, Gregory Murphy and Senators Warren Daniel, Joyce Krawiec, Floyd McKissick and Jeff Tarte. Staff Members present were Jessica Boney, Brian Gwyn and Kara McCraw. Andy Perrigo served as the Committee Clerk. The Sergeant-at-Arms Assistants that provided assistance during the meeting were Dean Marshbourne, Terry McCraw, Jim Moran (House), and Terry Barnhardt, Linda Matthews (Senate).

The Commission was called to order by Chairman Forest at 1:03 p.m. He made brief introductory comments, also explaining that the meeting would focus on athletes and academics. The Chair opened up an opportunity for members of the committee to make opening remarks. No member chose to speak.

The first presentation was given by J. Davis Winkie, former football player from Vanderbilt University (2014-2016) regarding the perspectives of former student-athletes on academics (see **Attachment III**). Winkie is currently a PhD candidate in History at UNC and is an officer-cadet in the NC Army National Guard. Winkie began his presentation with comments focused on “black student-athletes” graduation rates in our state universities. Winkie also described his experience at Vanderbilt as being not an ordinary student-athlete experience. Winkie said that he gave up voluntary workouts and extracurricular activities in order to pursue his double-major. Winkie’s presentation showed statistics that involve time requirements involved in athletics. He also contended that the athletic practice schedules would not always allow for desired academic schedules, forcing athletes into majors that accommodate athletic schedules. He also described the process of academic clustering of athletes. He proposed three steps of reform to alleviate academic problems. First, he would like to see athletes truly control their academic decisions and schedules. Second, he would like to see mandatory academic red-shirts and a reduction of the inflexible athletic workloads for freshman athletes that do not meet minimum academic admission requirements. Third, he believed UNC should coordinate future interests of the athletes with internships and academic plans that help the student-athlete prepare for future goals. Winkie went on to expound on each of the three concepts. Attachment III, “Winkie”, has more detail on the three reform proposals. Winkie says that allowing athletes to develop an ‘academic identity’ via academic redshirts, the NCGA would be a nationally ground-breaking step to reform.

After the presentation, the Chair opened the floor for questions from the members of the committee. The first question came from Sen. Krawiec. She asked if there were repercussions

for missing voluntary or mandatory practices. Winkie said that athletes missing practices was only allowed for in very rare circumstances. Sen. Krawiec asked if athletes were punished for skipping practices. Winkie said that it could be grounds for being excused from the team and loss of scholarship.

Sen. McKissick had a question regarding academic support and where the support for athletes were housed. He asked if it was a function of the athletic department, or the academic side of the university. He wanted to know if athletes interacted with the academic side for support, or if it was athletics support alone. Winkie said that academic support is usually done within the athletic department. It was Winkie's opinion that, even though that support may be more involved than what the university may require from non-athletes, it could foster abuse of the athlete or "other scandals." Sen. McKissick followed up with a question about African-American athletes. He asked Winkie if there disparate graduation rates was due to an institutional lack of outreach to African-American athletes, or is it a problem of a larger proportion of African-American athletes would be described as those 'academic redshirt' candidates. Winkie thought there was some systemic bias. He also thought that 'black athletes' aren't encouraged to pursue academics. Sen. McKissick asked for recommendations from Winkie on how to improve the African-American graduation rates. Winkie said he would like to see all scholarships for athletes be guaranteed for the entire length of eligibility. He claims that if the very existence of an athlete at a school depends on athletic performance, the athlete may not be motivated to work on an 'academic identity.'

Sen. Daniel asked a question asked if Winkie had stats that would tell how many current UNC system school athletes would be in that 'academic redshirt' category. And he asked if the redshirt rule did not apply to all UNC system schools, would some schools claim to be at a competitive disadvantage by being required to use academic redshirt rules. Winkie believed there was data that would indicate the number of athletes that have to go through a special admission requirement. As to competitive disadvantage claims, Winkie responded that the answer comes down to the NCAA concept that athletes are 'compensated' with education. Winkie says that to admit a student is a commitment to educate that student, and to help the student plan for academic success.

Sen. Tarte gave a couple of anecdotes of class attendance being required of athletes. He asked Winkie if he notices that, too. Winkie said that class attendance is required, but that the requirement is the function of paying 'lip service' to academics. Sen. Tarte asked Winkie if the coach's responsibility is to make sure the athlete is in class, but the athlete's responsibility to make something of the academic opportunity. Winkie acknowledged that point. However, Winkie argued that the current culture still does not encourage the athlete do his/her best.

Rep. Fraley asked what the time frame was on the stats that Winkie opened his presentation with. Winkie said that the numbers were for athletes that started their academic career in 2012 and how many had graduated by May 2018. Rep. Fraley asked if Winkie's experiences at Vanderbilt were actually happening in the UNC system. Winkie said he believes that UNC athletes experience is similar to the challenges Winkie saw when he played ball at Vanderbilt. Rep. Fraley then asked Winkie's opinion of why black athlete graduation rates are higher in some institutions than others. Winkie said that it comes down to culture. He says that at UNC and

NCSU, athletic identity has trounced academic identity. Rep. Fraley then asked if Winkie found that different sports have different levels of time requirement; and, if those athletes in individual sports had more flexible schedules than those in team sports. Winkie said that athletes in nonrevenue sports have more unstructured time. Winkie referred to Victoria Jackson's, a former runner at UNC, argument that college sports are the new 'Jim Crow' with revenue sport athletes 'slaving away' for 40 hours a week in order to subsidize the experience of non-revenue sports athletes.

That concluded the Davis Winkie presentation.

The Chair then introduced Amy Perko, CEO of the Knight Commission. Perko is a former All-ACC and Academic All-American basketball player at Wake Forest University. Professionally, Perko has worked for the NCAA, as an associate AD at the Univ. of Kansas, and with the NBA. Her presentation centered on the purpose and work of the Knight Commission. (Attachment IV) The Knight Commission is funded by the John S and James L Knight Foundation. It's 1989 creation was in response to low graduation rates of football and basketball players, some of which have improved greatly. The purpose of the commission is to lay out a 'roadwork of reform' by putting college presidents in charge of governance and strengthening academic standards and systems of accountability. Perko gave some examples of reform recommendations that had been adopted by the NCAA. Perko said that every graduate rate calculation method shows that's there have been dramatic improvement in graduation rates of student-athletes. Perko did concede that there is room for improvement in the areas of football and men's basketball. Perko said that any group seeking reforms should pursue four values: priority of education; imperative of health, safety, and well-being; financial responsibility; and, integrity- in how programs operate and in governance of programs. Governance should include athletes and also independent directors. Perko then went on to explain her presentation (Attachment IV), with a focus on treating athletes as "students first" and realigning the incentives of college sport to match educational values. The NCAA distributes \$700 million annually to Div. 1 institutions from just March Madness. The Knight Commission thinks that the distribution illustrates the problem of misalignments of values. The NCAA responded and currently awards institutions \$1.1 billion for the academic success of their teams. The Commission believes that there should be equal incentives for academic success as there is for athletic success. Also, performance bonus for coaches be also tied to career development of the athletes. Perko thinks it would be wise for the NC Commission on the Fair Treatment of Student Athletes to look at the incentives for coaches and athletic directors (AD's) to see if there is a strong academic component. Perko went on to describe current initiatives of the Knight Commission. One initiative that Perko stressed was student athlete and development. The Knight Commission believes that there should be professional standards that coaches should be required to meet to ensure coaches are equipped to protect the health and well-being of the student-athletes and for their roles as educators. Perko also pointed out a couple of things the committee should be aware of: a new statement for governing boards' responsibilities for intercollegiate athletics and for all institutional boards to adopt those guidelines; and, the NCAA does have metrics dashboards

available for the school presidents and boards to see how well their schools are doing in areas of academics, gender equity, diversity.

Sen. Tarte had a question of how the graduation algorithm worked. Perko tried to explain the APR, a real time metric that measures retention and eligibility. So, her statistic means that 50% of the school's athletes are on track to graduate. Sen. Tarte followed up with a comment about the "One-and-done" rule and its impact on class attendance and APR. Perko said that the APR encourages coaches to make sure the "one-and-done" athletes attend class in the Spring semester. On a personal level- not as CEO of the Knight Commission- Perko did endorse the "academic red-shirt" concept.

Rep. Fraley asked if most coaches' contracts have bonuses for academic, or APR, success. Perko confirmed that most schools have been putting academic bonuses in place- and even withholding athletic bonuses unless academic thresholds are met. Rep. Fraley followed up with a question related to what more coaches can do- other than to require class attendance- to improve an athlete's academic success. Perko said that in recruiting, coaches should really consider if an athlete will be able to make their own decisions based on what the coach knows is needed to be successful at the university.

Sen. McKissick asked a question regarding the 'red shirt' concept. He wanted to know what policy initiatives Perko would recommend that legislators undertake to help these athletes that would be considered 'academic redshirts.' Perko answered the question by mentioning minimum standards that coaches have to meet in order to be a coach. She said that there are mental health and other issues that a coach should know to be an effective educator. Perko also said that the UNC Board of Governors and the UNC Board of Trustees should be required to examine the NCAA dashboard that shows the academic progress of the student athletes, paying special attention to the ones under special admissions. Sen. McKissick followed up by asking if an 'ombudsman' on campus that reports to a dean or the university president that can be a resource for student athletes. Perko says that she has no knowledge of data for that concept. She did say that all academic support systems for athletes should be reporting the academic authority on campus. The direct line for the report should be directly to that authority and outside the line of the athletic department.

That concluded the presentation from Ms. Perko, CEO of the Knight Commission.

Seeing a quorum, the Chair decided to hold a vote to approve the minutes of the October 3 meeting. Rep. Hardister moved to adopt the minutes, and approval of the minutes was unanimous. The Chair also mentioned that the Commission website (<https://www.ncleg.gov/Documents/391>) does contain follow up responses to questions that came up in the last meeting.

UNC-Charlotte Chancellor Dr. Philip L. Dubois, on behalf of the entire UNC system, began his presentation on admission policies for athletics. (Attachment V) Dr. Dubois covered the university admission policies for all students. In his document presentation, Dr. Dubois described the minimum standard, the minimum academic requirements, for all UNC system

schools. If either is lacking, a student may be accepted via the ‘Chancellor’s special admission’ procedure. A chancellor is allowed to approve up to 1% of accepted undergraduates into their institutions as ‘special admits.’ Dr. Dubois described the NCAA eligibility standards, too, which are broader than the MAR and MCR requirements in the UNC system. He pointed out that the NCAA Eligibility Center (Clearing house) determines eligibility of athletes. **See the Dubois presentation, *Admissions Policies Applicable to Students and Student-Athletes*, for a detailed description of all academic requirements.**

Dr. Dubois did a presentation on the time limits of student athletes. There are 81 pages in the student-athlete handbook that deals practice and athletic schedules for the student-athletes. He then introduced a few student athletes to give their point of view on this topic. That presentation, ***Limits Upon Student-Athlete Practice and Play Schedules***, is found as Attachment VI.

Dr. Dubois then moved to Attachment VII, ***Oversight of Athletics by UNC Board of Governors (BOG)***. Please refer to Attachment VII for his detailed explanation of governing rules and regulations in this area. In this presentation, Dr. Dubois refers to ‘course clustering,’ Dr. Dubois stated that chancellors are the ultimately responsible for all academics and athletics. The Chancellors are required to give an annual report to the BOG. Examples of the reports can be viewed as Attachments VIII, IX, and X. The detailed oversight is described in Attachment VII. In this same printed presentation, Dr. Dubois summarizes common majors and courses of study populated by athletes at UNC Charlotte. This presentation also explains APR and how transfer rates affect graduation rate calculations. Dr. Dubois separates graduation rates by sports, gender, and race to identify potential inequities.

Questions period:

Sen. Tarte asked if all the UNC system schools capture the same data that Charlotte does. Dr. Dubois says that the annual reports to the BOG contain that data for each institution.

Rep. Murphy asked about the ‘relatively few’ students that obtained a MAR or Chancellor’s exception. Rep. Murphy challenged “4%” isn’t insignificant. He asked a closer look need to be taken at the admission process. Rep. Murphy said that it is unfair to bring in students that are not equipped to handle the college experience. Dr. Dubois pointed out that special admits aren’t always athletes, they can be any student. Dr. Dubois called on Lisa Hipps, Director of the Athletic Academic Center at UNC Charlotte. She explained how her Center develops a comprehensive academic support plan for all special admits, and looks to help develop plans for other athletes. Ms. Hipps also pointed out that a 3.0 GPA in high school doesn’t mean that student will score high enough on the SAT for admission.

Rep. Murphy followed up with a question regarding class clustering and ‘irregularities.’ Ms. Hipps said that her Center looks for grade irregularities for athletes compared to regular students in the same classes. She explained that some clustering will take place and will look for the explanations as to why the clustering occurred, like summer classes or specialized classes.

Dr. Dubois explained that another way to capture data regarding time constraints, academics, etc. is from exit surveys that the student-athlete completes throughout their academic program.

Sen. McKissick asked about the campus culture that stresses the athletic over the academic. He was wondering what Dr. Dubois has observed and if he like multi-year scholarships or one-year scholarships. Dr. Dubois thinks that other students would have a different opinion of athletic/academic culture than that of Davis Winkie. Dr. Dubois explained why one-year scholarships are useful and that institutions should probably have autonomy in that area.

Sen. McKissick also wanted to know what Charlotte does to give athletes opportunities to 'redshirt' or have external internships. Dr. Dubois said that Ms. Hipps' support center is how UNC-Charlotte handles special admits. He also said that an athlete's years of eligibility will stop if an athlete take a year to study abroad. He conceded that internships are tough for athletes that are playing out their eligibility.

Sen. Krawiec asked a question regarding a slide that Dr. Dubois didn't present, in which said that a student can only participate four hours/day in countable athletic activities, for a total of 20 hours/week. Within the 20 hours/week, there must be one day off for the athlete, unless post-season play is involved. (Found in the attachment titled, *Limits Upon Student-Athlete Practice and Play Schedules*.)

Sen. Krawiec also referenced a NCAA rule change that may change the day-off rule. Dr. Dubois wasn't aware of the change. Dr. Dubois also mentioned that students may do 'voluntary' activities on their day off.

Sen. Tarte asked a question about the potential clustering of athletes involved in the UNC African-American Studies course scandal. (AFAM) Sen. Tarte was wanting to know how it could be prevented in the future. Dr. Dubois mentioned that UNC Athletic Director (AD) Bubba Cunningham was present in the committee room. Dr. Dubois did concede that most of the regulations regarding clustering, the regulations of data collecting, the policy or BOG oversight was in response to that AFAM scandal. AD Cunningham was asked if he would like to respond. He concurred with Dr. Dubois and mentioned the Carolina Commitment website that outlines the reforms and that he thinks that the problems cannot occur going forward because of the reforms. (<https://carolinacommitment.unc.edu/>)

The Dubois presentation concluded at that point.

The Chair announced that Marcus Pettiford, NC A&T men's football player would be highlighted in a video presentation to the committee. There is no transcript of the video. The video can be viewed here: <https://www.ncleg.gov/documentsites/committees/BCCI-6725/November%208,%202018%20Meeting/Persepectives%20of%20Current%20UNC%20System%20Student-Athletes/NC%20A&T%20Academics%20-%20Marcus%20Pettiford.mp4>

The Chair briefly introduced three current student athletes to the committee. After each name is a summary of statements made by the athletes.

Austin Allen of ECU Men's Tennis: Senior, Honor's College Chemistry major. Austin stressed the value of athletics on his academics. He had over 100 verified community service hours.

Completed two internships. Heavily involved in the Student Athlete Advisory Committee (SAAC), which he credits with developing leadership and planning ability. Accepted to Brody School of Medicine. “Possible to excel both academically and athletically.”

Haley Pace of UNC-C Women’s Softball: Accounting undergrad degree. Presently the grad student assistant coach. Graduated with 4.0 GPA. Multiple records, academic and athletic honors. Credits athletics for teaching her time management. Mentioned two study hall facilities at UNC-C. Described how academic advisors handed out templates showing the times when practices were and when classes could be scheduled. UNC-C had the 3rd highest GPA in all of NCAA women’s softball last year. Class registration was handled by the athletes and not their advisors. Athletes were required to seek alternative testing times if games conflicted with exams in a class. Haley was vice-president of the UNC-C SAAC and the secretary of the Conference USA SAAC. (SAACs are the ‘student voice’ on NCAA matters.) Haley completed two internships. Haley believes that many more athletes can give similar testimony as to their academic/athletic experiences.

Eynde Frazier of Western Carolina Women’s Soccer (via Skype): Senior. Parks and Recreation Management major. Honor Scholar all four years. President of the WCU SAAC chapter. Completed a full internship and “three mini-internships” during Summer breaks.

The Chair complimented these three for being great examples of accomplished student athletes. After a round of applause, the Chair opened the floor for Q/A.

Sen. Daniel was recognized and asked if anyone had any recommended changes that the legislature might make that will improve the experience of student-athletes. **Austin** said he thought the NCAA was moving in the right direction. He commented that he had no issue missing practice in order to go to class. **Hayley** agreed with Austin about the recent NCAA changes regarding time demands on student athletes. She offered no recommendations for the NCGA. **Eynde** concurred with Austin and Hayley.

The Chairman thanked everyone for attending the meeting. He announced that the next meeting would be January 10, 2019.

The meeting was adjourned at 3:11.

Respectfully submitted,

Lieutenant Governor Dan Forest
Chairman

Andy Perrigo
Committee Assistant